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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte PASCAL CATHIER,
NICOLAS PIERRE BRUNO GOGIN, and RAOUL FLORENT

Appeal 2015-005147
Application 13/386,925
Technology Center 3700

Before DONALD E. ADAMS, JEFFREY N. FREDMAN, and TIMOTHY G. MAJORS, *Administrative Patent Judges*.

PER CURIAM.

DECISION ON APPEAL[1]

This Appeal under 35 U.S.C. § 134(a) involves claims 1–9, 11–18, 20, and 21 (App. Br. 3). Examiner entered rejections under 35 U.S.C. § 101, 35 U.S.C. § 112, second paragraph, 35 U.S.C. § 112, fourth paragraph, 35 U.S.C. § 102(b), and 35 U.S.C. § 103(a). We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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[1] Appellants identify the Real Party in Interest as Koninklijke Philips Electronics N.V. (App. Br. 3).

STATEMENT OF THE CASE

Appellants' "invention relates to x-ray guided procedures. Especially, the invention relates to a method for determining a depth of an instrument in an object" (Spec. 1:7–8). Independent claim 1 is representative and reproduced in the Claims Appendix of Appellants' Appeal Brief.

Claims 1–9, 11–18, 20, and 21 stand rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter.

Claims 12, 17, and 20[2] stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

Claims 9, 13, 17, and 21 stand rejected under 35 U.S.C. § 112, fourth paragraph as being of improper dependent form for failing to further limit the claimed subject matter.

Claims 1–4, 7–9, 11–18, 20, and 21[3] stand rejected under 35 U.S.C. § 102(b) as being anticipated by Vaillant.[4]

Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Vaillant.

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[2] We note that while Examiner identified claim 21 in the statement of the rejection (*see* Ans. 8), claim 21 was not discussed in the body of the rejection and was indicated as not being rejected in Examiner's response section of the Answer (*see* Ans. 21).
[3] We note that while Examiner identified claims 10 and 19 in the statement of the rejection (*see* Ans. 11), these claims have been canceled (*see* Appellants' Claims Appendix).
[4] Vaillant et al., US 2006/0079759 A1, published Apr. 13, 2006.

Non-statutory subject matter:

ISSUE

Does the preponderance of evidence on this record support Examiner's determination that the claims are directed to non-statutory subject matter?

FACTUAL FINDINGS (FF)

FF 1. Claim 1 recites

> A method for determining a depth of an instrument in an object, the method comprising the steps of generating one x-ray projection image of the instrument in the object, estimating the size of a portion of the instrument in the object, discriminating on the basis of the estimated size and on the basis of a segmentation of the object, between possible locations of the portion of the instrument in the object.

(Appellants' Claim 1.)

FF 2. Claim 7 recites

> A non-transitory computer readable medium embodying a program for determining a depth of an instrument in an object, said program comprising instructions for performing a plurality of acts, among said plurality there being the acts of:
>
> generating an x-ray projection image of the instrument in the object;
>
> estimating the size of a portion of the instrument in the object; and
>
> discriminating, on the basis of the estimated size and on the basis of a segmentation of the object, between possible locations of the portion of the instrument in the object.

(Appellants' Claim 7.)

FF 3. Claim 8 recites

> An x-ray device comprising a x-ray source, a x-ray detector, and an imaging control processor for controlling the x-ray source and the x-ray detector, said processor being configured for determining a depth of an instrument in an object by:
>
> generating an x-ray projection image of the instrument in the object;
>
> estimating the size of a portion of the instrument in the object; and
>
> discriminating, on the basis of the estimated size and on the basis of a segmentation of the object, between possible locations of the portion of the instrument in the object.

(Appellants' Claim 8.)

ANALYSIS

Examiner determines that claims 1–9, 11–18, 20, and 21 are directed to non-statutory subject matter because they are "directed to the abstract idea of determining a depth of an object based on two images which is an idea in and of itself" (Ans. 2).

Examiner asserts that

> [i]t is important to note for the record then that elements which are potentially on their own, though not when considered as a whole, non-abstract [ideas] have been presented. This is the step of generating the x-ray projection (method claims) and the structures of the x-ray device and processor associated therewith (all claims). However, while these appear to be non-abstract [ideas] when presented on their own, the further analysis recited below shows them to be otherwise when considered as a whole. All other claim elements relate to mere and intangible processing of this image data and are Prima Facie abstract.

(*Id.* at 3.)

Examiner further asserts that

> the method involves or requires two structures, an x-ray device, and a computer for processing its outputs. However, regarding the first structure this is extrasolution activity (sub consideration c) because it functions merely to gather data and thus does not weigh[] in favor of patentability. Regarding the second structure, given the new Supreme Court decision in Alice Corporation Pty. Ltd. v. CLS Bank International this structure no longer weigh[] in favor of patentability because this is nothing more than a generic computer either programed to execute or allowing a user to execute commonplace function. Specifically, with the structures involved being removed, the remainder of the method is only an abstract idea of basic data comparison and the claims do no more than merely link this idea to tangible structure in a way which does not imply patent eligibility.

(*Id.* at 4.) We are not persuaded.

In considering only the x-ray device and the computer, Examiner effectively disregarded the claimed limitation with respect to the instrument. Moreover, Examiner disregarded the claimed aspects of the x-ray projection image, and the segmentation of the object.

> [W]e are not persuaded that the invention's ability to run on a general-purpose computer dooms the claims. Unlike the claims at issue in *Alice* or, more recently in *Versata Development Group v. SAP America, Inc.*, 793 F.3d 1306 (Fed. Cir. 2015), . . . the claims here are directed to an improvement in the functioning of a computer. In contrast, the claims at issue in *Alice* and *Versata* can readily be understood as simply adding conventional computer components to well-known business practices. . . . And unlike the claims here that are directed to a specific improvement to computer functionality, the patent-ineligible

> claims at issue in other cases recited use of an abstract mathematical formula on any general purpose computer . . . .

Enfish, LLC v. Microsoft Corporation, 822 F.3d 1327, 1338 (Fed. Cir. 2016).

> While the components and functionality necessarily involved in the '797 patent (e.g., ISMs, gatherers, network devices, collection, aggregation, and enhancement) may be generic at first blush, an examination of the claim in light of the written description reveals that many of these components and functionalities are in fact neither generic nor conventional individually or in ordered combination. Instead, they describe a specific, unconventional technological solution, narrowly drawn to withstand preemption concerns, to a technological problem.

Amdocs (Israel) Limited v. Openet Telecom, Inc., 841 F.3d 1288, 1306 (Fed. Cir. 2016).

Here, as in *Enfish* and *Amdocs*, we conclude that the claims are directed to an improvement in the functioning of x-ray projection imaging, and to a more specific technological solution of determining the depth of an instrument in an object using x-ray projection imaging and segmentation. Thus, even assuming the claims were directed to an ineligible abstract idea, the claims as a whole contained an inventive concept sufficient to render the claims eligible for patent protection.

CONCLUSION OF LAW

The preponderance of evidence relied upon by Examiner fails to support Examiner's determination that the claims are directed to non-statutory subject matter. The rejection of claims 1–9, 11–18, 20, and 21 under 35 U.S.C. § 101 is reversed.

Definiteness:

ISSUE

Does the preponderance of evidence on this record support Examiner's conclusion that the claims are indefinite?

ANALYSIS

Claim 12:

Appellants' claim 12 recites "further configured for outputting, to a user, information specifically indicative of a location, from among said locations, chosen by said discriminating" (*see* Appellants' claim 12).

Examiner concludes that claim 12 is "incomplete for omitting essential elements, such omission amounting to a gap between the elements," in which "[t]he omitted elements are: a display or other output device" (Ans. 9).

We are not persuaded. While the claimed x-ray device is configured for outputting information, it remains operational without a display. For example, the device can store information in memory and retrieved and displayed in another system or at a later time, while still being operational.

Claims 17 and 20:

Appellants' claim 17 recites "choosing, by virtue of said discriminating, the location from among said locations determining said depth" (*see* Appellants' claim 17).

Appellants' claim 20 recites "said estimating being from said image, and said segmentation occurring as a result of segmenting that operates on said image" (*see* Appellants' claim 20).

> Examiner determines that
>
> the claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from French and are replete with grammatical and idiomatic errors. For specific reference: note that in 17, there is a lack of transition, followed by stating that choosing somehow, but in an ambiguous and therefore unascertainable manner, relates to discriminating; and note that in 20 you have a lack of transition followed by run-on limitations including the non-sense limitation "segmentation occurring as a result of segmenting".

(Ans. 9.)

Appellants contend that "claim 17 finds support in the specification (e.g., paragraphs [0012] and [0038])" (App. Br. 11), and that "claim 20 finds support in the specification (e.g., paragraphs [0012], [0031] and [0038])" (*id.* at 12; *see also* Reply Br. 10[5]).

We find that Examiner has the better position. Although the claims might find support from the Specification, the claims are deficient for lacking a transitional phrase such as "wherein" or "further comprising." Moreover, we agree with Examiner that claim 20 recites "the non-sense limitation 'segmentation occurring as a result of segmenting'" (Ans. 9, 21). We are not persuaded the skilled person would reasonably understand these claims as presently phrased. *Miles Labs., Inc. v. Shandon, Inc.*, 997 F.2d 870, 875 (Fed. Cir. 1993).

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[5] The Reply Brief is not paginated. Therefore, all references to page numbers of the Reply Brief refer to page numbers as if the Reply Brief was numbered consecutively beginning with the first page.

CONCLUSION OF LAW

The preponderance of evidence relied upon by Examiner fails to support Examiner's conclusion that claim 12 is indefinite.

The rejection of claim 12 under 35 U.S.C. § 112, second paragraph is reversed.

The preponderance of evidence relied upon by Examiner supports Examiner's conclusion that claims 17 and 20 are indefinite.

The rejection of claims 17 and 20 under 35 U.S.C. § 112, second paragraph is affirmed.

Improper dependency:

ISSUE

Does the preponderance of evidence on this record support Examiner's conclusion that the claims fail to further limit the claimed subject matter?

ANALYSIS

Claim 17:

Examiner asserts that claim 17 "calls the discriminating a choosing which is a determining, all of which are mere changes in wording not scope" (Ans. 10). Therefore, Examiner finds that claim 17 fails to limit the subject matter of Appellants' claim 1. We are not persuaded.

The term "discriminating" is defined as "making a distinction" (Merriam-Webster Dictionary ((on-line)),[6] the term "choosing" is defined as

[6] https://www.merriam-webster.com/dictionary/discriminating.

"to select freely and after consideration" (*id.*)[7] and the term "determining" is defined as "to fix conclusively or authoritatively" (*id.*).[8] We thus conclude that Appellants' claimed step of choosing the location further limits the subject matter of claim 1.

Claims 9, 13, and 21:

Claims 9 and 21 recites "said discriminating performing said determining" (*see* Appellants' claims 9 and 21).

Claim 13 recites "said generating being performed from x-rays detected by said detector" (*see* Appellants' claim 13).

Examiner finds that claims 9 and 13, and 21 fail to further limit the subject matter of claim 8 and claim 21 fails to further limit the subject matter of claim 7 (Ans. 9–10; *see also* Reply Br. 11).

Appellants do not appear to contest that these claims fail to further limit the claimed subject matter, other than relying on arguments made concerning the indefiniteness rejections (*see* App. Br. 14). Moreover, we agree with Examiner that Appellants' claim language fails to further limit the claimed subject matter as set forth in the Answer (*see* Ans. 9–10, 20–21).

CONCLUSION OF LAW

The preponderance of evidence relied upon by Examiner fails to support Examiner's conclusion that the claim 17 fails to further limit the claimed subject matter.

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[7] https://www.merriam-webster.com/dictionary/choosing.
[8] https://www.merriam-webster.com/dictionary/determining.

The rejection of claim 17 under 35 U.S.C. § 112, fourth paragraph is reversed.

The preponderance of evidence relied upon by Examiner supports Examiner's conclusion that the claims 9, 13, and 21 fail to further limit the claimed subject matter.

The rejection of claims 9, 13, and 21 under 35 U.S.C. § 112, fourth paragraph is affirmed.

Anticipation:

ISSUE

Does the preponderance of evidence relied upon by Examiner support Examiner's finding that Vaillant teaches Appellants' claimed invention?

FACTUAL FINDINGS (FF)

FF 4. Vaillant suggests

> An imaging system for use in a medical intervention procedure is disclosed. A first image acquisition system is configured to produce a fluoroscopy image of an anatomical region. A second image acquisition system is configured to produce a 3D model of the anatomical region. An interventional tracking system, which includes a position indicator, is configured to maneuver within the anatomical region. . . . A processing circuit configured to process executable instructions for registering the second image acquisition system with the first image acquisition system to define a first registration, registering the interventional tracking system with the first image acquisition system to define a second registration, and in response to the first and second registrations, registering the

> interventional tracking system with the second image acquisition system.

(Vaillant Abstract; *see also* Ans. 11.)

FF 5. Vaillant's Figure 2 is reproduced below:

FIG. 2

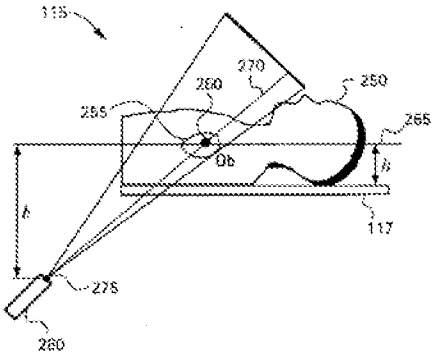

Figure 2 shows

> an interventional system **115** where a patient **250** on table **117** has a catheter **260** placed within an anatomical region **255**, such as the coronary sinus in the patient's heart for example. In an embodiment, catheter **260** is positioned at a known anatomical structure in the anatomical region (such as the coronary sinus at the heart) at a location defined by the intersection of a horizontal plane **265** and the line **270** joining the focal point **275** of the x-ray source **280** of the fluoroscopy system **115** to the projection of the catheter **260**. . . . In an exemplary embodiment, the location of the horizontal plane **265** is defined by an elevation h above the anatomical reference system (table) **117** to the known anatomical structure (coronary sinus) at the anatomical region (heart) **255**. In this manner, a known location of the catheter **260** in the fluoroscopy system **115** and the 3D model system **118** may be established.

(Vaillant ¶ 46; *see also* Ans. 13.)

FF 6. Vaillant suggests that "[r]egistration is the process of aligning images. . . . Each device used for registration needs to be calibrated to approximate the size of the anatomical 3D model. This requires 3 extra degrees of freedom equating to 'scaling' in each direction" (Vaillant ¶ 51; *see also* Ans. 12).

FF 7. Vaillant suggests a "3D model of the left atrium obtained using CT imaging and segmentation in anteroposterior (AP) view" and "a projection image of the heart obtained using fluoroscopy system . . ., where multiple catheters including the coronary sinus catheter are positioned at different locations by the physician" (Vaillant ¶ 59; *see also* Ans. 12).

FF 8. Vaillant suggests that "[d]uring pre-processing . . ., the x-ray projection images . . . are analyzed . . . to determine the likelihood of the apparent catheter image actually being the catheter . . ., and the apparent catheter size, measured or known from the x-ray image" (Vaillant ¶ 61; *see also* Ans. 11).

FF 9. Vaillant suggests that

> the apparent diameter of the catheter . . . in the fluoroscopy image . . . is determined and then compared with the known actual diameter of the catheter. . . . From this information, the actual dimension of an anatomical structure in the anatomical region . . . in the fluoroscopy image . . . may be determined. The anatomical structure in the fluoroscopy image . . . is then matched with the same anatomical structure in the 3D model . . ., where now the actual and apparent sizes of the same anatomical structure in the 3D model . . . may be compared. From this comparison, a scaling factor may be established between the first and second image acquisition systems . . . .

(Vaillant ¶ 64; *see also* Ans. 12.)

FF 10. Vaillant suggests that

> [k]nowing the location of the catheter . . . in the 3D model . . . and the actual and apparent dimensions for elevation h in the 3D model . . ., the actual size of the same anatomical structure in the 3D model . . . as that in the fluoroscopy image . . . may be determined. By comparing the actual and apparent sizes of the anatomical structure in the 3D model . . ., a scaling factor between the first and second image acquisition systems . . . may be established.

(Vaillant ¶ 65; *see also* Ans. 12.)

FF 11. Vaillant suggests that

> [d]ue to system variables, the position signals from position indicator . . . may not be capable of providing exact coordinates for the location of position indicator . . ., providing instead only an approximation for the coordinates. While the approximation may be quite good, it nonetheless may still be only an approximation. In such an instance, an embodiment of processing circuit . . . may be configured to compute a probability function representative of the probability of catheter . . ., or more specifically position indicator . . ., being at the coordinates indicated by the signals from position indicator . . . .

(Vaillant ¶ 71; *see also* Ans. 26.)

ANALYSIS

We adopt Examiner's findings of fact and reasoning regarding the scope and content of the prior art (Ans. 11–30; FF 1–11) and agree that the claims are anticipated by Vaillant.

Claims 1–3, 7, 8, and 9–21:

Appellants contend that according to Vaillant, "[a]n absolute measure of catheter size is taken, in contrast to what is proposed in the instant patent

application (paragraphs [0010] and [0018]: '. . . a major aspect of the invention is that it may not be necessary to have absolute size measurement . . .')" (App. Br. 16; *see also* Reply Br. 13). In addition, Appellants contend

> [i]n the Vaillant second embodiment (paragraph [0065]), there is no disclosure or suggestion of estimating the size of the catheter 260 or any portion of the catheter. For at least this reason, there is no disclosure or suggestion of ". . . discriminating on the basis of the estimated size . . ."

(App. Br. 17.) We are not persuaded. As Examiner explains, Appellants'

> referenced sections [0064] and [0065] of Vaillant . . . expressly teach this limitation for his first and second embodiments respectively. . . . The examiner further noted that these section even expressly phrase this as an "apparent" catheter size, because this is inherently an inexact (estimated) measure . . . measuring the size or width of an object in an image is inherently and by its very nature obtaining an estimate of the size of the object.

(Ans. 23; FF 9–10). *See also W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1550 (Fed. Cir. 1983) (A prior art reference must be considered in its entirety, i.e., as a whole).

We are not persuaded by Appellants' contention that in Vaillant's first embodiment, the location "of the catheter for image registration is not based, even in part, on segmentation" (App. Br. 17; *see also* Reply Br. 14–15). As Examiner explains, "[n]oting the use of a scaling factor generated from the segmentation of the 3D data set in Vaillant [0064], it is clear that the segmenting is in fact used, by virtue of this scaling factor, in the step of registering the image" (Ans. 24; FF 9–10; *see also* FF 7).

We recognize, but are not persuaded, by Appellants' intimation that Vaillant does not discriminate between possible locations (*see* App. Br. 18),

and Appellants' contention that, in regard to Vaillant, "there is no disclosure or suggestion of '. . . discriminating on the basis of the estimated size . . .'" (App. Br. 19; *see also* Reply Br. 16–17). As Examiner explains,

> if one would determine something's location, [one] by necessity and inherency would discriminate between any possible locations thereof. Simply put, if it is at location X, then it is not any other location, even though it could have been located at Y or Z before you knew for a fact it was at X.

(Ans. 25; *see also id.* at 26; FF 9–10.) During prosecution, we give claim terms the broadest reasonable interpretation as understood by a person of ordinary skill in the art in light of the specification. *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997); *In re Am. Acad. Of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) ("Construing claims broadly during prosecution is not unfair to the applicant . . . because the applicant has the opportunity to amend the claims to obtain more precise claim coverage."). We thus agree with Examiner that, as Vaillant determines the location of the catheter, Vaillant necessarily discriminates on the basis of other locations and estimated size as well (*see* Ans. 24–25; FF 5–8).

We recognize, but are not persuaded by, Appellants' contention that "[t]he Office Action also seems to ignore the preamble of the claim" (App. Br. 20; *see also* Reply Br. 20–24). As Examiner explains, "the preamble only contains a single limitation and that limitation has been rejected. That is, the preamble only establishes that the location is a depth location" (Ans. 26–27).

Appellants argue that "as to the 'estimating' in claim 1, Vaillant does measure the size of the catheter (paragraph [0064]). However, the Final

Office Action presumably suggests that it is the Vaillant locating of the catheter (Vaillant, FIG. 2) that amounts to the Vaillant 'discriminating[]'" (App. Br. 21). Appellants also argue that "the Examiner is saying that the estimating of the catheter size precedes the Vaillant locating of the catheter. Applicant can find no disclosure or suggestion of this in Vaillant" (*id.* at 22).

We are not persuaded for the reasons discussed above. We further agree with Examiner that "the instant claims are neither claimed to have a certain order nor [are] inherently order dependent. . . . Second[,] the appellant is directed towards Vaillant [0064] which provides that Vaillant estimates then scales with the 3D segmented data th[e]n registers (locates)" (Ans. 27; FF 9; *see also* FF 6, 8, 10–11).

Claim 4:

Claim 4 recites "wherein the step of discriminating is further based on the information as to whether the instrument is placed at an anterior or a posterior position" (*see* Appellants' claim 4).

Appellants argue that "there is no disclosure or suggestion that '. . . the step of discriminating is further based on the information as to whether the instrument is placed at an anterior or a posterior position[]'" (App. Br. 23; *see also* Reply Br. 24–27).

We are not persuaded. As Examiner explains, "it is established in [0065] that Vaillant knows the location of the catheter relative to the anatomical reference system and employs such knowledge in registering the images and thus in determining the non-relative location of the catheter" (Ans. 27–28; FF 10). Examiner further explains that Vaillant's use of the

location of the cathether relative to the anatomical reference system reads on Appellants' claimed invention. In this regard, Examiner explains that:

> if the relative location between two items is known than by necessity and inherency all relational measures there between are known, in other words, by establishing a known relative location for the catheter Vaillant establishes that he has knowledge of not only whether the catheter is anterior or posterior, but also whether and the extent of how caudal, dorsal, superior, inferior, proximal, distal, etc. the catheter is with respect to the anatomical reference system.

(Ans. 28.) For the foregoing reasons, we find that Appellants failed to provide persuasive evidence or argument to rebut Examiner's determination that claim 4 is anticipated.

CONCLUSION OF LAW

The preponderance of evidence relied upon by Examiner supports Examiner's finding that Vaillant teaches Appellants' claimed invention. The rejection of claims 1–4, 7, 8, 9, 11–18, 20, and 21 under 35 U.S.C. § 102(b) as being anticipated by Vaillant is affirmed.

Obviousness:

ISSUE

Does the preponderance of evidence relied upon by Examiner support Examiner's conclusion that claims 5 and 6 would have been obvious over Vaillant?

ANALYSIS

Claim 5:

Claim 5 recites "the method further comprising the step of calibrating the estimation of the size by the way of estimating the size at the anterior position and at the posterior position" (*see* Appellants' claim 5).

Appellants contend that "Applicant cannot see any obvious modification of Vaillant that would come within claim 1, much less claim 5" (App. Br. 25; *see also* Reply Br. 29–30).

We are not persuaded for the reasons discussed above. We further agree with Examiner that

> since the measures are merely at "anterior or posterior" positions but it is not claimed with respect to what, it is still the case that the mere repetition of the measurements as the catheter is moved reads on the claimed limitation because by virtue of being measured at different locations they will by necessity be measured at locations that are anterior or posterior to something, possibly each other or possibly to an organ in the surroundings, or possibly to the anatomical reference frame (organ or otherwise), any of which or anything along such line serving to read on the claimed limitations due to their breadth.

(Ans. 30.)

Claim 6:

Appellants argue that "[c]laim 6 depends from claims 5 and 1 and is likewise invalidly rejected for at least the same reasons provide just above in connection with the rejection of claim 5" (App. Br. 25). Therefore, we are not persuaded for the reasons discussed above.

CONCLUSION OF LAW

The preponderance of evidence relied upon by Examiner supports Examiner's conclusion that claims 5 and 6 would have been obvious over Vaillant. The rejection of claims 5 and 6 under 35 U.S.C. § 103(a) as being obvious over Vaillant is affirmed.

TIME PERIOD FOR RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

Notice of References Cited	Application/Control No. 13/386,925	Applicant(s)/Patent Under Reexamination Pascal Cathier et al.	
	Examiner Michael Kellogg	Art Unit 3700	Page 1 of 1

U.S. PATENT DOCUMENTS

*		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	DOCUMENT SOURCE ** APS	OTHER
☐	A						☐	☐
☐	B						☐	☐
☐	C						☐	☐
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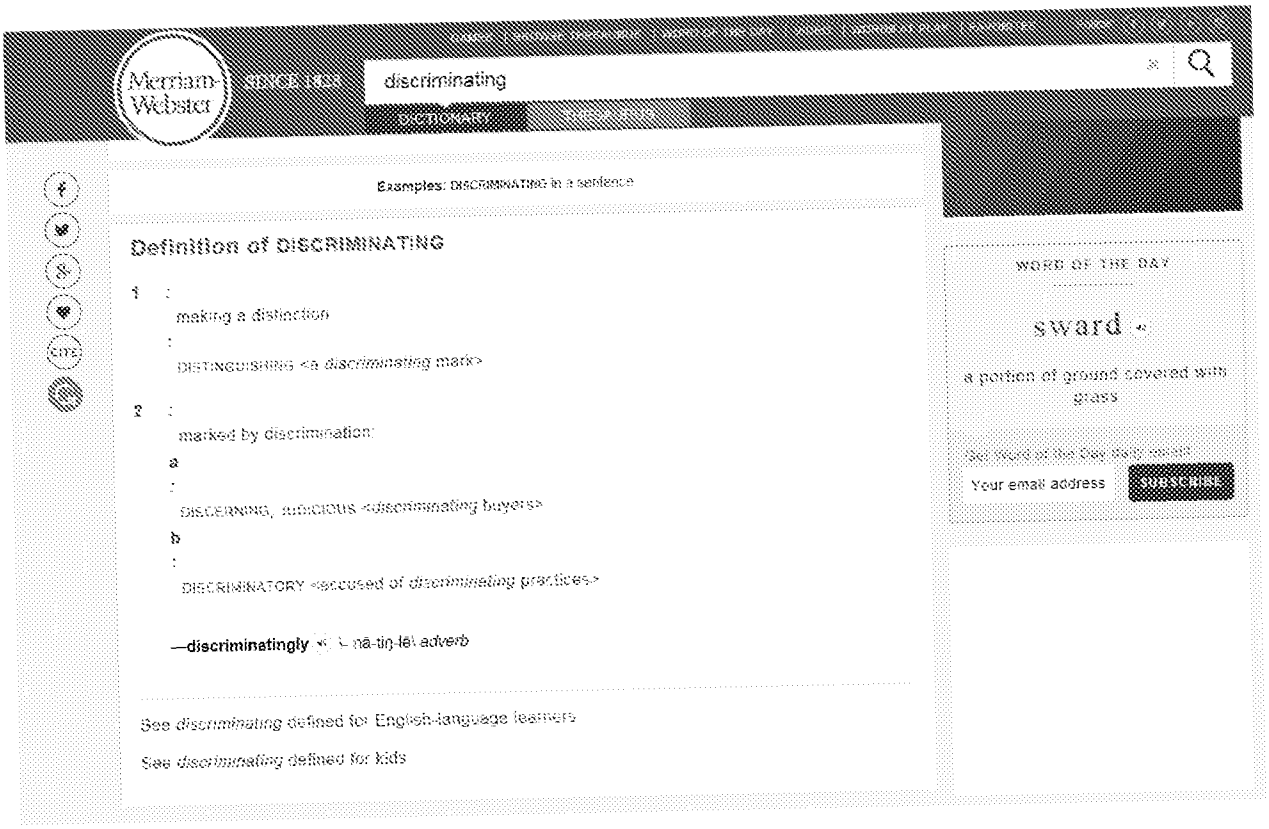
NON-PATENT DOCUMENTS

*		DOCUMENT (Including Author, Title Date, Source, and Pertinent Pages)	DOCUMENT SOURCE ** APS	OTHER
☐	U	https://www.merriam-webster.com/dictionary/discriminating.	☐	☐
☐	V	https://www.merriam-webster.com/dictionary/choosing.	☐	☐
☐	W	https://www.merriam-webster.com/dictionary/determining.	☐	☐
☐	X		☐	☐

*A copy of this reference is not being furnished with this Office action. (See Manual of Patent Examining Procedure, Section 707.05(a).)
**APS encompasses any electronic search i.e. text, image, and Commercial Databases.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discriminating
DICTIONARY
THESAURUS
Examples: DISCRIMINATING in a sentence
Definition of DISCRIMINATING
1 : making a distinction : DISTINGUISHING <a discriminating mark>
2 : marked by discrimination: a : DISCERNING, JUDICIOUS <discriminating buyers> b : DISCRIMINATORY <accused of discriminating practices>
—discriminatingly \-ˈnā-tiŋ-lē\ adverb
See discriminating defined for English-language learners
See discriminating defined for kids
WORD OF THE DAY
sward
a portion of ground covered with grass
Your email address
SUBSCRIBE

choose

verb | \ˈchüz\

Popularity: Top 20% of words

Examples: CHOOSE in a sentence

Definition of CHOOSE

chose \ˈchōz\ **chosen** \ˈchō-zᵊn\ **choosing** \ˈchü-ziŋ\

transitive verb

1 a
: to select freely and after consideration <choose a career>
b
: to decide on especially by vote
: ELECT <chose her as captain>

2 a
: to have a preference for <choose one car over another>
b
: DECIDE <chose to go by train>

intransitive verb

1 : to make a selection <finding it hard to choose>

2 : to take an alternative —used after *cannot* and usually followed by *but* <when earth is so kind, men cannot choose but be happy — J. A. Froude>

—**chooser** \ˈchü-zər\ *noun*

See *choose* defined for English-language learners

See *choose* defined for kids

WORD OF THE DAY

sward \ˈswȯrd\

a portion of ground covered with grass

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'A file containing detailed records'
3 l'état, c'est moi
'I myself am the nation'
4 tergiversation
'Evasion of straightforward action ...

determine

verb | de·ter·mine | \dē-ˈtər-mən, di-\

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Examples: DETERMINE in a sentence

Tip: Synonym guide

Definition of DETERMINE

determined; determining

transitive verb

1 a
: to fix conclusively or authoritatively <*determine* national policy>
b *law*
: to decide by judicial sentence <*determine* a plea>
c
: to settle or decide by choice of alternatives or possibilities <trying to *determine* the best time to go>
d
: RESOLVE <she *determined* to do better>

2 a
: to fix the form, position, or character of beforehand
: ORDAIN <two points *determine* a straight line> <the extent to which genetics *determines* one's personality>
b
: to bring about as a result
: REGULATE <demand *determines* the price>

3 a
: to fix the boundaries of
b
: to limit in extent or scope
c
: to put or set an end to
: TERMINATE <*determine* an estate>

4 : to find out or come to a decision about by investigation, reasoning, or calculation <*determine* the answer to the problem> <*determine* a position at sea>

5 *biology*
: to bring about the determination (see determination 7) of <*determine* the fate of a cell>

intransitive verb

1 : to come to a decision <had *determined* on becoming a doctor>

2 : to come to an end or become void